

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

JOSHUA WALLIS,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
AD ASTRA RECOVERY SERVICES, INC.)	
)	
Defendant.)	

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

JOSHUA WALLIS (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against AD ASTRA RECOVERY SERVICES, INC., (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Wisconsin, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Franklin, Milwaukee County, Wisconsin.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a corporation with a business office located in Wichita, Kansas.
10. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. The original creditor of the alleged debt is Speedy Cash and the amount of the alleged debt is six-hundred twenty-five dollars (\$625.00).
12. Defendant constantly and continuously places collection calls to Plaintiff, multiple times a day, three (3) to four (4) times a week, seeking and demanding payment for an alleged debt.
13. Defendant contacts Plaintiff at telephone number (414) 534-1123 seeking and demanding payment for an alleged debt.
14. Defendant speaks to Plaintiff in an abusive and harassing manner. Defendant's representative told Plaintiff that she will call as much as she wants until Defendant is paid. Defendant's representative also told Plaintiff that he better "cough up" the \$625.
15. Plaintiff has mailed letters to Defendant, at two different addresses, asking Defendant to cease and desist all communications with Plaintiff regarding the alleged debt.
16. Defendant continues to contact Plaintiff despite receiving the cease and desist letters from Plaintiff.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(c) of the FDCPA by contacting Plaintiff after he sent a cease and desist letter;
- b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt; and
- c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, JOSHUA WALLIS, respectfully requests judgment be entered against Defendant, AD ASTRA RECOVERY SERVICES, INC., for the following:

- 18. Statutory damages of \$1000.00, pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- 20. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: Greg Moss (P.C.)
Gregory H. Moss
Attorney for Plaintiff
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, JOSHUA WALLIS, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF WISCONSIN

Plaintiff, JOSHUA WALLIS, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JOSHUA WALLIS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

5/20/10

Date


JOSHUA WALLIS

PLAINTIFF'S COMPLAINT

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